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6 JAMES W. BROWN, on behalf of himself
7 and all others similarly situated, on behalf
8 of the general public, and as an “aggrieved
9 employee” under the California Labor Code
10 Private Attorneys General Act,

11 No. C 08-01640 WHA

12 Plaintiff,

13 **CONDITIONAL ORDER
14 OF DISMISSAL**

15 v.

16 CLEAR POINT ADVANTAGE, LLC, d/b/a
17 ADVANTAGE SERVICES GROUP,

18 Defendant.

19 Based on the representations made by counsel and on the joint motion of counsel, this
20 action is **DISMISSED** subject to the further condition that, if and when any claim arising from the
21 conduct at issue in this case is hereafter filed (even by a different plaintiff or by different
22 counsel) anywhere in the United States against defendant, notice of any such subsequent action
23 must be given by any counsel involved herein (upon becoming aware of the subsequent action)
24 to the undersigned judge. The Court notes that Attorneys Grover and Bernstein did not fully
25 answer its question. The question was whether there was any contemplation of a class-wide
26 settlement elsewhere. Counsel merely replied that there was no “agreement” for such a
27 scenario. (Defense counsel were more responsive.)

1 As counsel are aware, the Court has alerted them to its practice to reject collusive class
2 settlements. The proposed stipulated dismissal raises the question whether counsel are
3 attempting to avoid that policy by dismissing here and eventually filing elsewhere with another
4 plaintiff against the same defendant, perhaps in a jurisdiction less opposed to collusive
5 settlements. To meet this concern, the above additional conditions shall be imposed as a
6 condition of dismissal.

7 The effective date of this dismissal shall be **STAYED FOR SEVEN CALENDAR DAYS** to
8 allow any objection to this condition to be made, upon which the dismissal will be deemed
9 vacated, and failing which this order shall be final.

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IT IS SO ORDERED.

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Dated: December 8, 2008.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE